

Nebraska Constitution.

CONSTITUTION  
OF  
20-27359  
NEBRASKA



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CONSTITUTION OF THE STATE OF NEBRASKA,  
of 1875,  
AND SUBSEQUENT AMENDMENTS AS AMENDED  
BY THE CONSTITUTIONAL CONVENTION  
of 1919-20.

**PREAMBLE.** We, the people, grateful to Almighty God for our freedom, do ordain and establish the following declaration of rights and frame of government, as the Constitution of the State of Nebraska.

**ARTICLE I--BILL OF RIGHTS.**

Section 1. All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.

Sec. 2. There shall be neither slavery nor involuntary servitude in this state, otherwise than for punishment of crime, whereof the party shall have been duly convicted.

Sec. 3. No person shall be deprived of life, liberty, or property, without due process of law.

Sec. 4. All persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

Sec. 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty, and in all trials for libel, both civil and criminal, the truth when published with good motives, and for justifiable ends, shall be a sufficient defense.

Sec. 6. The right of trial by jury shall remain inviolate, but the Legislature may authorize trial by a jury of a less number than twelve

in courts inferior to the District Court, and may by general law authorize a verdict in civil cases in any court by not less than five-sixths of the jury.

Sec. 7. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

Sec. 8. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion, the public safety requires it, and then only in such manner as shall be prescribed by law.

Sec. 9. All persons shall be bailable by sufficient sureties, except for treason and murder, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Sec. 10. No person shall be held to answer for a criminal offense, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in case of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, unless on a presentment or indictment of a grand jury; **Provided**, That the Legislature may, by law, provide for holding persons to answer for criminal offenses on information of a public prosecutor; and may, by law, abolish, limit, change, amend or otherwise regulate the grand jury system.

Sec. 11. In all criminal prosecutions the accused shall have the right to appear and defend in person or by counsel, to demand the nature and cause of accusation, and to have a copy thereof; to meet the witnesses against him face to face, to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 12. No person shall be compelled, in any criminal case, to give evidence against himself, or be twice put in jeopardy for the same offense.

Sec. 13. All courts shall be open, and every person, for any injury done him in his lands, goods, person, or reputation, shall have a remedy by due course of law, and justice administered without denial or delay.

Sec. 14. Treason against the state shall consist only in levying war against the state, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the

testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 15. All penalties shall be proportioned to the nature of the offense, and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the state for any offense committed within the state.

Sec. 16. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities shall be passed.

Sec. 17. The military shall be in strict subordination to the civil power.

Sec. 18. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war except in the manner prescribed by law.

Sec. 19. The right of the people peaceably to assemble to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

Sec. 20. No person shall be imprisoned for debt in any civil action or mesne or final process, unless in cases of fraud.

Sec. 21. The property of no person shall be taken or damaged for public use without just compensation therefor.

Sec. 22. All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

Sec. 23. The writ of error shall be a writ of right in all cases of felony; and in capital cases shall operate as a supersedeas to stay the execution of the sentence of death, until the further order of the Supreme Court in the premises.

Sec. 24. The right to be heard in all civil cases in the court of last resort, by appeal, error, or otherwise, shall not be denied.

Sec. 25. There shall be no discrimination between citizens of the United States in respect to the acquisition, ownership, possession, enjoyment or descent of property.

The right of aliens in respect to the acquisition, enjoyment and descent of property may be regulated by law.

Sec. 26. The enumeration of rights shall not be construed to impair or deny others, retained by the people, and all powers not herein delegated, remain with the people.

Sec. 27. The English language is hereby declared to be the official language of this state, and all official proceedings, records and publications shall be in such language, and the common school branches shall be taught in said language in public, private, denominational and parochial schools.

## ARTICLE II—DISTRIBUTION OF POWERS

Section 1. The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others except as hereinafter expressly directed or permitted.

## ARTICLE III—LEGISLATIVE.

Section 1. The legislative authority of the state shall be vested in a Legislature consisting of a Senate and House of Representatives, but the people reserve to themselves power to propose laws, and amendments to the Constitution, and to enact or reject the same at the polls independent of the Legislature, and also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature.

Sec. 2. The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven per cent of the electors of the state and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten per cent of such electors. In all cases the electors signing such petition shall be so distributed as to include five per cent of the electors of each of two-fifths of the counties of the state and when thus signed the petition shall be filed with the Secretary of State, who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, oftener than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.

Sec. 3. The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legis-

lature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five per cent of the electors of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked, and in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked, as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health or safety, by petition signed by not less than ten per cent of the electors of the state, distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.

Sec. 4. The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed. The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast thereon, and not less than thirty-five per cent of the total vote cast at the election at which the same was submitted, are cast in favor thereof, and shall take effect upon proclamation by the governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict herewith. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof shall be submitted in a non-partisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot and when two or more measures have the same title they

shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.

Sec. 5. At the regular session of the Legislature held in the year nineteen hundred and twenty-one the Legislature shall by law divide the state into Senatorial and Representative Districts. In the creation of Senatorial and Representative Districts, any county that contains population sufficient to entitle it to two or more Senators or Representatives, shall be divided into separate and distinct Senatorial and Representative Districts, as nearly equal in population as may be and composed of contiguous and compact territory. After the creation of such districts, one Senator shall be elected from each Senatorial District and one Representative from each Representative District. The basis of apportionment shall be the population, excluding aliens, as shown by next preceding federal census. In like manner, when necessary to a correction of inequalities in the population of such districts, the state may be redistricted from time to time, but not oftener than once in ten years.

Sec. 6. The House of Representatives shall consist of not more than one hundred members and the Senate of not more than fifty members. The sessions of the Legislature shall be biennial, except as otherwise provided by this Constitution.

Sec. 7. Senators and representatives shall be elected for a term of two years. They shall each receive the sum of eight hundred dollars for attendance at each regular biennial session of the Legislature and ten dollars for each day in actual attendance at special sessions; but in no case shall compensation for attendance at any one special session exceed one hundred dollars. They shall also be paid ten cents per mile for each mile traveled in once going to and returning from each regular or special session of the Legislature by the most usual route. Members of the Legislature shall receive no pay nor perquisites other than their mileage and salary or per diem, as the case may be, nor shall employees receive any other compensation than their salary or per diem. After the expiration of twenty days of the session, no bills nor joint resolutions of the nature of bills shall be introduced, unless the Governor shall, by special message call the attention of the Legislature to the necessity of passing a law on the subject matter embraced in the message, and the introduction of bills shall be restricted thereto. Provided, that the general appropriation bills may be introduced up to and including the fortieth day.

Sec. 8. No person shall be eligible to the office of Senator, or member of the House of Representatives, who shall not be an elector and have resided within the district from which he is elected for the term of one year next before his election, unless he shall have been absent on the public business of the United States or of this state. And no person



elected as aforesaid shall hold his office after he shall have removed from such district.

Sec. 9. No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the Legislature, but this provision shall not extend to precinct or township officers, justices of the peace, notaries public, or officers of the militia, nor shall any person interested in a contract with, or an unadjusted claim, against the state hold a seat in the Legislature.

Sec. 10. The session of the Legislature shall commence at 12:00 o'clock (noon) on the first Tuesday in January in the next year ensuing the election of members thereof, and at no other time, unless as provided by this Constitution. A majority of the members elected to each House shall constitute a quorum; each House shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, and the Senate shall choose a temporary president, to preside when the Lieutenant Governor shall not attend as president, or shall act as Governor. The Secretary of State shall call the House of Representatives to order at the opening of each new Legislature, and preside over it until a temporary presiding officer thereof shall have been chosen, and shall have taken his seat. No member shall be expelled by either House, except by a vote of two-thirds of all the members elected to that House, and no member shall be twice expelled for the same offense. Each House may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the House by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Sec. 11. Each House shall keep a journal of its proceedings and publish them (except such parts as may require secrecy) and the yeas and nays of the members on any question, shall at the desire of any two of them be entered on the Journal. All votes in either House shall be viva voce. The doors of each House, and of the Committee of the Whole, shall be open, unless when the business shall be such as ought to be kept secret. Neither House shall, without the consent of the other, adjourn for more than three days.

Sec. 12. Any bill may originate in either House of the Legislature, except bills appropriating money, which shall originate only in the House of Representatives, and all bills passed by one House may be amended by the other.

Sec. 13. The style of all bills shall be, "Be it enacted by the people of the State of Nebraska," and no law shall be enacted except by bill. No bill shall be passed by the Legislature unless by the assent of a majority of all member elected to each House of the Legislature, and

the question upon final passage shall be taken immediately upon its last reading and the yeas and nays shall be entered upon the journal. No amendment to any bill by one House shall be concurred in by the other nor shall the report of any conference committee as to any bill be adopted by either House except by the assent of the same number of members as is required for the passage of the original bill taken by yeas and nays entered upon the journal.

Sec. 14. Every bill and concurrent resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. The presiding officer of each House shall sign in the presence of the House over which he presides while the same is in session and capable of transacting business, all bills and concurrent resolutions passed by the Legislature.

Sec. 15. Members of the Legislature in all cases except treason, felony or breach of the peace, shall be privileged from arrest during the session of the Legislature, and for fifteen days next before the commencement and after the termination thereof.

Sec. 16. No person elected or appointed to the Legislature shall receive any civil appointment to a state office during the term for which he has been elected or appointed, and all such appointments shall be void; nor shall any member of the Legislature, or any state officer be interested, either directly or indirectly in any contract, with the state or any county or municipality thereof, authorized by any law enacted during the term for which he shall have been elected or appointed, or within one year after the expiration of such term.

Sec. 17. The Senate and House of Representatives in joint convention shall have the sole power of impeachment, but a majority of the members elected must concur therein. Upon the entertainment of a resolution to impeach by either House, the other House shall at once be notified thereof and the two Houses shall meet in joint convention for the purpose of acting upon such resolution within three days of such notification. A notice of an impeachment of any officer other than a justice of the Supreme Court, shall be forthwith served upon the Chief Justice, by the Secretary of the Senate, who shall thereupon call a session of the Supreme Court to meet at the Capitol within ten days after such notice to try the impeachment. A notice of an impeachment of a Justice of the Supreme Court shall be served by the Secretary of the Senate, upon the judge of the judicial district within which the Capitol is located, and he thereupon shall notify all the judges of the District Court in the state to meet with him within thirty days at the

Capitol, to sit as a court to try such impeachment, which court shall organize by electing one of its number to preside. No person shall be convicted without the concurrence of two-thirds of the members of the court of impeachment, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this state, but the party impeached, whether convicted or acquitted shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his official duties after he shall have been impeached and notified thereof, until he shall have been acquitted.

Sec. 18. The Legislature shall not pass local or special laws in any of the following cases, that is to say:

For granting divorces.

Changing the names of persons or places.

Laying out, opening, altering and working roads or highways.

Vacating roads, town plats, streets, alleys, and public grounds.

Locating or changing county seats.

Regulating County and Township offices.

Regulating the practice of Courts of Justice.

Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates and Constables.

Providing for changes of venue in civil and criminal cases.

Incorporating Cities, Towns and Villages, or changing or amending the Charter of any Town, City, or Village.

Providing for the election of officers in Townships, incorporated Towns or Cities.

Summoning or empaneling Grand or Petit Juries.

Providing for the bonding of Cities, Towns, Precincts, School Districts, or other municipalities.

Providing for the management of Public Schools.

Regulating the interest on money.

The opening and conducting of any election, or designating the place of voting.

The sale or mortgage of real estate belonging to minors or others under disability.

The protection of game or fish.

Chartering or licensing ferries, or toll bridges, remitting fines, penalties or forfeitures, creating, increasing and decreasing fees, percent-

ages or allowances of public officers, during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever. In all other cases where a general law can be made applicable, no special law shall be enacted.

Sec. 19. The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, nor shall the compensation of any public officer, including any officer whose compensation is fixed by the Legislature subsequent to the adoption hereof be increased or diminished during his term of office.

Sec. 20. The salt springs, coal, oil, mineral, or other natural resources on or contained in the land belonging to the state shall never be alienated, but provision may be made by law for the leasing or development of the same.

Sec. 21. Lands under control of the state shall never be donated to railroad companies, private corporations or individuals.

Sec. 22. Each Legislature shall make appropriations for the expenses of the Government until the expiration of the first fiscal quarter after the adjournment of the next regular session, and all appropriations shall end with such fiscal quarter. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to each House, and shall not exceed the amount of revenue authorized by law to be raised in such time. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject.

Sec. 23. All offices created by this Constitution shall become vacant by the death of the incumbent, by removal from the state, resignation, conviction of a felony, impeachment, or becoming of unsound mind. And the Legislature shall provide by general law for the filling of such vacancy, when no provision is made for that purpose in this Constitution.

Sec. 24. The Legislature shall not authorize any games of chance, lottery, or gift enterprise under any pretense, or for any purpose whatever.

Sec. 25. No allowance shall be made for the incidental expenses of any state officer except the same be made by general appropriation and upon an account specifying each item. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued by the auditor thereon, and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The auditor shall within sixty days after the adjournment of each session of the Legislature, prepare and publish a full statement of all moneys expended at such session, specifying the amount of each item, and to whom and for what paid.

Sec. 26. No member of the Legislature shall be liable in any civil or criminal action whatever for words spoken in debate.

Sec. 27. No act shall take effect until three calendar months after the adjournment of the session at which it passed, unless in case of emergency (to be expressed in the preamble or body of the act) the Legislature shall, by a vote of two-thirds of all the members elected to each House otherwise direct. All laws shall be published in book form within sixty days after the adjournment of each session, and distributed among the several counties in such manner as the Legislature may provide.

Sec. 28. Senatorial and Representative Districts shall continue as now existing, until otherwise provided by law.

#### ARTICLE IV—EXECUTIVE.

Section 1. The executive officers of the state shall be the governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Commissioner of Public Lands and Buildings, Treasurer, Attorney General, Superintendent of Public Instruction and the heads of such other executive departments as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law create. The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, Commissioner of Public Lands and Buildings and Treasurer shall be chosen at the general election held in November, 1922, and in each even numbered year thereafter, and their term of office shall be two years and until their successors shall be elected and qualified. The Superintendent of Public Instruction shall be elected in November, 1922, and every four years thereafter, and his term of office shall be four years and until his successor shall be elected and qualified. The records, books and papers of all executive officers shall be kept at the seat of government, and such officers, excepting the Lieutenant Governor, shall reside there during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law. The heads of all executive de-

partments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all the members elected to the Senate and House of Representatives meeting in joint session, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint, and remove all subordinate employees in their respective departments.

Sec. 2. No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty years, and who shall not have been five years next preceding his election a resident and citizen of this state and a citizen of the United States. None of the officers mentioned in this article shall be eligible to any other state office during the period for which they have been elected or appointed.

Sec. 3. The treasurer shall be ineligible to the office of treasurer, for two years next after the expiration of two consecutive terms for which he was elected.

Sec. 4. The returns of every election for the officers of the executive department shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the Speaker of the House of Representatives, who shall immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each House of the Legislature, who shall, for that purpose assemble in the Hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal and the highest number of votes, the Legislature shall, by joint vote, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both Houses of the Legislature, by joint vote, in such manner as may be prescribed by law.

Sec. 5. All civil officers of this state shall be liable to impeachment for any misdemeanor in office.

Sec. 6. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed and the affairs of the state efficiently and economically administered.

Sec. 7. The Governor shall, at the commencement of each session, and at the close of his term of office and whenever the Legislature may require, give by message to the Legislature information of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall, by message, make to the Legislature an account and statement, with vouchers attached, of all moneys received and paid out by him, from any and all funds subject to his order, and, at the

commencement of each regular session shall present, by message, a complete itemized budget of the financial requirements of all departments, institutions and agencies of the state for the ensuing biennium. Said budget shall be prepared with such expert assistance and under such regulations as may be provided by law. No appropriations shall be made in excess of the recommendation contained in such budget unless by three-fifths vote of each House of the Legislature, and such excess so approved by a three-fifths vote shall not be subject to veto by the Governor.

Sec. 8. The Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating therein the purpose for which they are convened, and the Legislature shall enter upon no business except that for which they were called together.

Sec. 9. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor may on the same being certified to him by the House first moving the adjournment, adjourn the Legislature to such time as he thinks proper not beyond the first day of the next regular session.

Sec. 10. The Governor shall nominate and by and with the advice and consent of the Senate, (expressed by a majority of all Senators elected, voting by yeas and nays), appoint all officers whose offices are established by the Constitution, or which may be created by law, and whose appointment, or election is not otherwise by law or herein provided for; and no such officer shall be appointed or elected by the Legislature.

Sec. 11. In case of a vacancy during the recess of the Senate, in any office which is not elective, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate, (a majority of all the Senators elected concurring by voting yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at request of the Senate, or be appointed to the same office during the recess of the Legislature.

Sec. 12. The Governor shall have power to remove any officer, whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office, and he may declare his office vacant, and fill the same as herein provided in other cases of vacancy.

Sec. 13. The Governor, Attorney General, and Secretary of State shall constitute a board to be known as the Board of Pardons, of which the Governor shall be chairman. Said board, or a majority thereof,

shall have power to remit fines and forfeitures and to grant commutations, pardons and paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment. But no fine or forfeiture shall be remitted, and no commutation, pardon or parole granted except upon the approval of a majority of the board after a full hearing in open session, and not until notice of the time and place of such hearing, and of the relief sought, shall have been given by personal service thereof upon the judge of the court by which the sentence was pronounced and the county attorney of the county where the offense was committed. Provided, however, the Governor shall have power to grant respites or reprieves in all cases of conviction for offenses against the laws of the state, except treason and cases of impeachment, but such respites or reprieves shall not extend beyond the next meeting of the Board of Pardons, and in no case for a greater period than thirty days. The proceedings and decisions shall be reduced to writing, and with the reasons for such action in each case, signed by the members of the board concurring therein, and with all papers used upon the hearing including the dissent of any member who may not concur, shall be filed in the office of the Secretary of State. The governor shall communicate to the Legislature, at each regular session, each case of remission of fine, forfeiture, reprieve, commutation, pardon or parole, granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of remission, commutation, pardon, parole or reprieve, with the reasons for granting the same, and the objections, if any, of any members of the board made thereto. The board shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, or commute the sentence or direct the execution, or grant a further reprieve.

Sec. 14. The Governor shall be commander-in-chief of the military and naval forces of the state (except when they shall be called into the service of the United States) and may call out the same to execute the laws, suppress insurrection, and repel invasion.

Sec. 15. Every bill passed by the Legislature, before it becomes a law, and every order, resolution or vote to which the concurrence of both Houses may be necessary (except on questions of adjournment) shall be presented to the Governor. If he approves he shall sign it, and thereupon it shall become a law, but if he do not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon its journal, and proceed to reconsider the bill. If then three-fifths of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered;



and if approved by three-fifths of the members elected to that House, it shall become a law notwithstanding the objections of the Governor. In all such cases the vote of each House shall be determined by yeas and nays, to be entered upon the journal. Any bill which shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it; unless the Legislature by their adjournment prevent its return; in which case it shall be filed, with his objections, in the office of the Secretary of State within five days after such adjournment, or become a law. The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless re-passed in the manner herein prescribed in cases of disapproval of bills.

Sec. 16. In case of the death, impeachment and notice thereof to the accused, failure to qualify, resignation, absence from the state, or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant Governor.

Sec. 17. The Lieutenant Governor shall be president of the Senate, and shall vote only when the Senate is equally divided.

Sec. 18. If there be no Lieutenant Governor, or if the Lieutenant Governor for any of the causes specified in Section Sixteen of this article, become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the president of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Representatives.

Sec. 19. There shall be a "Board of Control" of state institutions consisting of three members who shall be appointed by the Governor by and with the consent of two-thirds of the members of the Senate. Not more than two of the members of said board shall belong to the same political party and no two of them shall reside in the same Congressional District when appointed. They shall be appointed for a term of six years, except to fill vacancy which shall be for the unexpired term. The present members shall hold office until their successors are appointed, and one member shall be appointed in the month of January, 1921, and one every two years thereafter. The Board of Control shall have full power to manage, control and govern, subject only to such limitations as may be established by law, all state charitable, reformatory and penal institutions that now are or may hereafter be established. They shall give such bonds, receive such salaries and perform such duties as may be provided by law.

Sec. 20. There shall be a State Railway Commission, consisting of three members, who shall be first elected at the general election in 1906,

whose terms of office, except those chosen at the first election under this provision, shall be six years, and whose compensation shall be fixed by the Legislature. Of the three commissioners first elected, the one receiving the highest number of votes, shall hold his office for six years, the next highest four years, and the lowest two years. The powers and duties of such commission shall include the regulation of rates, service and general control of common carriers as the Legislature may provide by law. But, in the absence of specific legislation, the commission shall exercise the powers and perform the duties enumerated in this provision.

Sec. 21. If the office of Auditor of Public Accounts, Treasurer, Secretary of State, Attorney General, Commissioner of Public Lands and Buildings, or Superintendent of Public Instruction, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law.

Sec. 22. An account shall be kept by the officers of the executive department and of all the public institutions of the state, of all moneys received or disbursed by them severally from all sources, and for every service performed, and a semi-annual report thereof be made to the Governor under oath; and any officer who makes a false report shall be guilty of perjury and punished accordingly.

Sec. 23. The officers of the executive department and of all the public institutions of the state shall at least ten days preceding each regular session of the Legislature severally report to the Governor, who shall transmit such reports to the Legislature, together with the reports of the judges of the Supreme Court of defects in the Constitution and laws, and the Governor or either House of the Legislature may at any time require information in writing, under oath, from the officers of the executive department, and all officers, managers of state institutions, upon any subject relating to the condition, management and expenses of their respective offices.

Sec. 24. There shall be a seal of the state, which shall be called the "Great Seal of the State of Nebraska," which shall be kept by the Secretary of State and used by him officially as directed by law.

Sec. 25. The officers provided for in this article shall receive such salaries as may be provided by law, but the salary of no officer shall be changed more than once in eight years. Such officers or such other officers as may be provided for by law, shall not receive for their own use any fees, costs, or interest upon public moneys in their hands. All fees that may hereafter be payable by law for services performed, or received by an officer provided for in this article, by virtue of his office shall be paid forthwith into the state treasury.

Sec. 26. The officers mentioned in this article shall give bond in not less than double the amount of money that may come into their hands, and in no case less than the sum of fifty thousand dollars, with such provisions as to sureties and the approval thereof, and for the increase of the penalty of such bonds, as may be prescribed by law.

Sec. 27. No executive state office other than herein provided shall be created except by a two-thirds majority of all members elected to the Senate and House of Representatives respectively.

Sec. 28. A Tax Commissioner shall be appointed by the Governor with the advice and consent of the Senate. He shall have jurisdiction over the administration of the revenue laws of the state, and together with the Governor, Secretary of State, State Auditor and State Treasurer shall have power to review and equalize assessments of property for taxation within the state. He shall have such other powers and perform such other duties as the Legislature may provide. His term of office and compensation shall be as provided by law.

#### ARTICLE V—JUDICIAL.

Sec. 1. The judicial power of the state shall be vested in a supreme court, district courts, county courts, justices of the peace, and such other courts inferior to the supreme court as may be created by law; but other courts may be substituted by law for justices of the peace within such districts, and with such additional civil and criminal jurisdiction, as may be provided by law.

Sec. 2. The supreme court shall consist of seven judges, one of whom shall be the Chief Justice. A majority of the judges shall be necessary to constitute a quorum. A majority of the members sitting shall have authority to pronounce a decision except in cases involving the constitutionality of an act of the Legislature. No legislative act shall be held unconstitutional except by the concurrence of five judges. The supreme court shall have jurisdiction in all cases relating to the revenue, civil cases in which the state is a party, mandamus, quo warranto, habeas corpus, and such appellate jurisdiction as may be provided by law. Whenever necessary for the prompt submission and determination of causes, the supreme court may appoint judges of the district court to act as associate judges of the supreme court, sufficient in number, with the judges of the supreme court, to constitute two divisions of the court of five judges in each division. Whenever judges of the district court are so acting the court shall sit in two divisions, and four of the judges thereof shall be necessary to constitute a quorum. Judges of the district court so appointed shall serve during the pleasure of the court, and shall have all the powers of judges of the supreme court. The Chief Justice shall make assignments of judges to the divisions of the court, and shall preside over the division of which he is a member,

and designate the presiding judge of the other division. The judges of the supreme court, sitting without division, shall hear and determine all cases involving the constitutionality of a statute, and all appeals from convictions of homicide; and may review any decision rendered by a division of the court. In such cases, in the event of the disability or disqualification by interest or otherwise, of any of the judges of the supreme court, the court may appoint judges of the district court to sit temporarily as judges of the supreme court, sufficient to constitute a full court of seven judges. Judges of the district court shall receive no additional salary by virtue of their appointment and service as herein provided; but they shall be reimbursed their necessary traveling and hotel expenses.

Sec. 3. At least two terms of the supreme court shall be held each year, at the seat of government.

Sec. 4. The Chief Justice of the supreme court shall be elected by the electors of the state at large. The judges of the supreme court, other than the Chief Justice, shall be elected by the electors of the districts as herein provided. The term of office of judges of the supreme court shall be six years during which they shall reside at the place where the court is holden; but no judge of the supreme court now in office or hereafter shall be deemed thereby to have lost his residence at the place from which he was elected.

Sec. 5. The Legislature shall divide the state along county lines into six compact districts, of approximately equal population, which shall be numbered from one to six, consecutive numbers to be given adjacent districts. Such districts shall correspond, as nearly as may be practicable, in location and numbers with the present six Congressional Districts of the state. Such districts shall not be changed except upon the concurrence of two-thirds of the members of each house of the Legislature, nor shall any such change vacate the office of any judge. Until such districts are established, the six Congressional Districts of the state as now constituted and numbered shall be the supreme court judicial districts.

A chief justice shall be elected in the year 1920 and each six years thereafter; in the year 1922, and each six years thereafter, there shall be elected by the electors of each of the three even numbered districts one judge of the supreme court; and the judges so elected shall be the successors of the judges whose terms of office expire in January, 1923; in the year 1924, and each six years thereafter, there shall be elected by the electors of each of the three odd numbered districts one judge of the supreme court, and the judges so elected shall be the successors of the judges whose terms of office expire in January, 1925.

Sec. 6. The chief justice shall preside at all terms and sittings of the supreme court, and in his absence or disability the judges present shall select one of their number chief justice pro tempore.

Sec. 7. No person shall be eligible to the office of chief justice or judge of the supreme court unless he shall be at least thirty years of age, and a citizen of the United States, and shall have resided in this state at least three years next preceding his election; nor, in the case of a judge of the supreme court elected from a supreme court judicial district, unless he shall be a resident and elector of the district from which elected.

Sec. 8. There shall be appointed by the supreme court, a clerk and a reporter of the court, each of whom shall hold his office for a term of six years, unless sooner removed by the court, and their salaries shall be fixed by law; the clerk shall also act as librarian of the law and miscellaneous library of the state.

The court shall also appoint such clerical help as may be needed for the proper dispatch of the business of the court. The court shall prepare and recommend to each session of the Legislature a budget of the estimated expenses of the court for the ensuing biennium. The copyright of the state reports shall forever remain the property of the state.

Sec. 9. The district court shall have both chancery and common law jurisdiction, and such other jurisdiction as the Legislature may provide; and the judges thereof may admit persons charged with felony to a plea of guilty and pass such sentence as may be prescribed by law.

Sec. 10. The state shall be divided into district court judicial districts. Until otherwise provided by law, the boundaries of the judicial districts and the number of judges of the district courts shall remain as now fixed. The judges of the district courts shall be elected by the electors of the respective districts, and their term of office shall be four years.

Sec. 11. The concurrence of two-thirds of the members elected to each House of the Legislature shall be required to change the number of judges of the district courts, or to alter the boundaries of judicial districts. Such change in number or alterations in boundaries shall not vacate the office of any judge. Such districts shall be formed of compact territory bounded by county lines.

Sec. 12. The judges of the district court may hold court for each other and shall do so when required by law or when ordered by the supreme court.

Sec. 13. The chief justice, the judges of the supreme court and the judges of the district court shall receive such salaries as may be provided by law.

Sec. 14. No judge of the supreme or district courts shall act as attorney or counsellor at law in any manner whatsoever. No county judge shall practice law in any court in any matter arising in or growing out of any proceedings in his own court.

Sec. 15. In the year 1920 and every four years thereafter there shall be elected in and for each county one judge, who shall be judge of the county court of such county, whose term of office shall be four years and whose salary shall be fixed by law.

Sec. 16. County courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, and in such proceedings to find and determine heirship; appointment of guardians, and settlement of their accounts; and such other jurisdiction as may be given by general law. But they shall not have jurisdiction in criminal cases in which the punishment may exceed six months imprisonment or a fine of over five hundred dollars, or both; nor in civil actions in which title to real estate is sought or drawn in question; nor in actions on mortgages or contracts for the conveyance of real estate; nor in civil actions where the debt or sum claimed shall exceed one thousand dollars.

Sec. 17. Appeals to the district court from the judgments of county courts shall be allowed in all criminal cases, on application of the defendant; and in all civil cases, on application of either party, and in such other cases as may be provided by law.

Sec. 18. Justices of the peace shall be elected in and for such districts for such term and have and exercise such jurisdiction as may be provided by law; but no justice of the peace shall have jurisdiction in any civil case where the amount in controversy shall exceed two hundred dollars; nor in a criminal case where the punishment may exceed three months imprisonment, and a fine of over one hundred dollars or both; nor in any matter wherein the title or boundaries of land may be in dispute.

Sec. 19. The organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade, so far as regulated by law and the force and effect of the proceedings, judgments and decrees of such courts, severally, shall be uniform.

Sec. 20. All officers provided for in this article shall hold their offices until their successors shall be qualified and they shall respectively reside in the district, county or precinct from which they shall be elected or appointed. All officers, when not otherwise provided for in this article, shall perform such duties and receive such compensation as may be prescribed by law.

Sec. 21. In case the office of any judge of the supreme court or any district court shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the Governor, for the unexpired term, and until a successor shall be elected and qualified.

Vacancies in all other elective offices shall be filled by election, but

when the unexpired term does not exceed two years the vacancy may be filled by appointment in such manner as the Legislature may provide.

Sec. 22. The state may sue and be sued, and the Legislature shall provide by law in what manner and in what courts suits shall be brought.

Sec. 23. The several judges of the courts of record shall have such jurisdiction at chambers as may be provided by law.

Sec. 24. All process shall run in the name of "The State of Nebraska," and all prosecutions shall be carried on in the name of "The State of Nebraska."

Sec. 25. For the effectual administration of justice and the prompt disposition of judicial proceedings, the supreme court may promulgate rules of practice and procedure for all courts, uniform as to each class of courts, and not in conflict with laws governing such matters. To the same end, the court may, and when requested by the Legislature by joint resolution, shall certify to the Legislature, its conclusions as to desirable amendments or changes in the general laws governing such practice and proceedings.

Sec. 26. If the foregoing amendment shall be adopted by the electors, all existing courts which are not in the foregoing amendment specifically enumerated and concerning which no other provision is herein made, shall continue in existence and exercise their present jurisdiction, and the judges thereof shall receive their present compensation, until otherwise provided by law; and such judges, or appointees to fill vacancies shall hold their offices until their successors shall be elected and qualified.

#### ARTICLE VI—SUFFRAGE.

Sec. 1. Every citizen of the United States, who has attained the age of twenty-one years, and has resided within the state for six months and within the county and voting precinct for the terms provided by law, shall be an elector.

Sec. 2. No person shall be qualified to vote who is non compos mentis, or who has been convicted of treason or felony under the laws of the state or of the United States, unless restored to civil rights.

Sec. 3. Every elector in the military or naval service of the United States or of this state may exercise the right of suffrage at such place and under such regulations as may be provided by law.

Sec. 4. No soldier, seaman, or marine in the army and navy of the United States shall be deemed a resident of the state in consequence of being stationed therein.

Sec. 5. Electors shall be in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and going to and returning from the same, and no elector shall be obliged to do military duty on the days of election, except in time of war and public danger.

Sec. 6. All votes shall be by ballot.

#### ARTICLE VII—EDUCATION.

Sec. 1. The Governor, Secretary of State, Treasurer, Attorney General, and Commissioner of Public Lands and Buildings shall, under the direction of the Legislature, constitute a board of commissioners, for the sale, leasing, and general management of all lands and funds set apart for educational purposes, and for the investment of school funds, in such manner as may be prescribed by law.

Sec. 2. All lands, money or other property granted, or bequeathed, or in any manner conveyed to this state for educational purposes shall be used and expended in accordance with the terms of such grant, bequest, or conveyance.

Sec. 3. The following are hereby declared to be perpetual funds for common school purposes of which the annual interest or income only can be appropriated, to-wit:

First. Such per centum as has been, or may hereafter be granted by Congress on the sale of lands in this state.

Second. All moneys arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.

Third. The proceeds of all lands that have been, or may hereafter be, granted to this state, where by the terms and conditions of such grant the same are not to be otherwise appropriated.

Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.

Fifth. All moneys, stocks, bonds, lands, and other property, now belonging to the common school fund.

Sec. 4. All other grants, gifts and devises, that have been, or may hereafter be, made to this state, and not otherwise appropriated by the terms of the grant, gift, or devise, the interest arising from all the funds mentioned in the preceding section, together with all the rents of the unsold school lands, and such other means as the Legislature may provide, shall be exclusively applied to the support and maintenance of common schools in each school district in the state.



Sec. 5. All fines, penalties, and license moneys, arising under the general laws of the state, shall belong and be paid over to the counties respectively, where the same may be levied or imposed, and all fines, penalties and license moneys arising under the rules, by-laws, or ordinances of cities, villages, towns, precincts, or other municipal subdivision less than a county, shall belong and be paid over to the same respectively. All such fines, penalties, and license moneys shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue.

Sec. 6. The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years.

Sec. 7. Provision shall be made by general law for equitable distribution of the income of the fund set apart for the support of the common schools among the several school districts of the state and no appropriation shall be made from said fund to any district for the year in which school is not maintained for the minimum term required by law.

Sec. 8. No lands now owned or hereafter acquired by the state for educational purposes shall be sold except at public auction under such conditions as the Legislature shall provide.

Sec. 9. All funds belonging to the state for educational purposes, the interest and income whereof only are to be used, shall be deemed trust funds held by the state, and the state shall supply all losses thereof, that may in any manner accrue, so that the same shall remain forever inviolate and undiminished; and shall not be invested or loaned except on United States or state securities; or registered county bonds of this state, or registered school district bonds of this state; and such other securities as the Legislature may from time to time direct. And such funds with the interest and income thereof, are hereby solemnly pledged to the purposes for which they are granted and set apart, and shall not be transferred to any other fund for other uses.

Sec. 10. The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of six regents to be styled The Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided. Their term of office shall be for six years each. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into six compact regent districts of approximately equal population, which shall be numbered from one to six, consecutive numbers to be given adjacent

districts. Such districts shall correspond, as nearly as may be practicable, in location and numbers with the present six Congressional Districts of the state. Such districts shall not be changed except upon the concurrence of two-thirds of the members of each House of the Legislature, nor shall any such change vacate the office of any regent. Until such districts are established, the six Congressional Districts of the state as now constituted and numbered shall be the districts provided for by this section.

Provided, that the regents elected before the adoption of this Constitution shall serve out their respective terms and that the successors of those whose terms expire in January, 1923, shall be elected from districts numbered three and four respectively at the general election to be held in 1922; of those whose terms expire in 1925, from districts numbered one and two, at the general election to be held in 1924; and of those whose terms expire in 1927, from districts numbered five and six, at the general election to be held in 1926.

Sec. 11. No sectarian instruction shall be allowed in any school or institution supported in whole or in part by the public funds set apart for educational purposes, nor shall the state accept any grant, conveyance, or bequest of money, lands or other property to be used for sectarian purposes. Neither the State Legislature nor any county, city or other public corporation, shall ever make any appropriation from any public fund, or grant any public land in aid of any sectarian or denominational school or college, or any educational institution which is not exclusively owned and controlled by the state or a governmental subdivision thereof. No religious test or qualification shall be required of teacher or student, for admission to or continuance in any public school or educational institution supported in whole or in part by public taxation.

Sec. 12. The Legislature may provide by law for the establishment of a school or schools for the safe keeping, education, employment and reformation of all children under the age of eighteen years, who, for want of proper parental care, or other cause, are growing up in mendicancy or crime.

Sec. 13. The general government of the state normal schools, as now existing, and such other normal schools as may be established by law, shall be vested, under the direction of the Legislature, in a board of seven members to be styled Board of Education of State Normal Schools, six of whom shall be appointed by the Governor, with the advice and consent of the Senate, two each for a term of two, four, and six years, and two each biennium thereafter for a term of six years, and the State Superintendent of Public Instruction shall be a member ex-officio. The duties and powers of said board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of

their duties, but may be reimbursed their actual expenses incurred therein.

#### ARTICLE VIII—REVENUE.

Sec. 1. The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct; but taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises, and taxes uniform as to class may be levied by valuation upon all other property. Taxes, other than property taxes, may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.

Sec. 2. The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by general law may exempt property owned by and used exclusively for agricultural and horticultural societies, and property owned and used exclusively for educational, religious, charitable or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. Household goods of the value of two hundred (\$200.00) dollars to each family shall be exempt from taxation. The Legislature by general law may provide that the increased value of land by reason of shade and ornamental trees planted along the highway shall not be taken into account in the assessment of such land. No property shall be exempt from taxation except as provided in this section.

Sec. 3. The right of redemption from all sales of real estate for the non-payment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate, for a period of not less than two years from such sales thereof. Provided, that occupants shall, in all cases, be served with personal notice before the time of redemption expires.

Sec. 4. The Legislature shall have no power to release or discharge any county, city, township, town or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever.

Sec. 5. County authorities shall never assess taxes the aggregate of which shall exceed fifty cents per one hundred dollars actual valuation as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof, unless authorized by a vote of the people of the county.

Sec. 6. The Legislature may vest the corporate authorities of cities, towns and villages, with power to make local improvements by special assessments, or by special taxation of property, benefited. For all other corporate purposes, all municipal corporations may be vested with au-

thority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

Sec. 7. Private property shall not be liable to be taken or sold for the payment of the corporate debts of municipal corporations. The Legislature shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes.

Sec. 8. The Legislature at its first session shall provide by law for the funding of all outstanding warrants, and other indebtedness of the state, at a rate of interest not exceeding eight per cent per annum.

Sec. 9. The Legislature shall provide by law that all claims upon the treasury, shall be examined and adjusted by the auditor and approved by the secretary of state, before any warrant for the amount allowed shall be drawn. Provided, that a party aggrieved by the decision of the auditor and secretary of state may appeal to the district court.

#### ARTICLE IX—COUNTIES.

Sec. 1. No new county shall be formed or established by the Legislature which will reduce the county or counties, or either of them, to a less area than four hundred square miles, nor shall any county be formed of a less area.

Sec. 2. No county shall be divided nor any part of the territory of any county be stricken therefrom, nor shall any county or part of the territory of any county be added to an adjoining county without submitting the question to the qualified electors of each county affected thereby, nor unless approved by a majority of the qualified electors of each county voting thereon; provided, that when county boundaries divide sections, or overlap, or fail to meet, or are in doubt, the Legislature may by law provide for their adjustment, but in all cases the new boundary shall follow the nearest section line or the thread of the main channel of a boundary stream.

Sec. 3. When a county shall be added to another, all prior indebtedness of each county shall remain a charge on the taxable property within the territory of each county as it existed prior to consolidation. When any part of a county is stricken off and attached to another county the part stricken off shall be holden for its proportion of all then existing liabilities of the county from which it is taken, but shall not be holden for any then existing liabilities of the county to which it is attached.

Sec. 4. The Legislature shall provide by law for the election of such county and township officers as may be necessary.

Sec. 5. The Legislature shall provide by general law for township

organization, under which any county may organize whenever a majority of the legal voters of such county voting at any general election shall so determine; and in any county that shall have adopted a township organization the question of continuing the same may be submitted to a vote of the electors of such county at a general election in the manner that shall be provided by law.

#### ARTICLE X—PUBLIC SERVICE CORPORATIONS.

Sec. 1. Every public utility corporation or common carrier organized or doing business in this state shall report, under oath, to the Railway Commission, when required by law or the order of said Commission. The reports so made shall include such matter as may be required by law or the order of said Commission.

Sec. 2. The rolling stock and all other movable property belonging to any railroad company or corporation in this state shall be liable to execution and sale in the same manner as the personal property of individuals, and the Legislature shall pass no law exempting any such property from execution and sale.

Sec. 3. No public utility corporation or common carrier shall consolidate its stock, property, franchise, or earnings in whole or in part with any other public utility corporation or common carrier owning a parallel or competing property without permission of the Railway Commission; and in no case shall any consolidation take place except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law. The Legislature may by law require all public utilities and common carriers to exchange business through physical connection, joint use, connected service, or otherwise.

Sec. 4. Railways heretofore constructed, or that may hereafter be constructed, in this state, are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the Legislature may from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this state. The liability of railroad corporations as common carriers shall never be limited.

Sec. 5. The capital stock of public utility corporations or common carriers shall not be increased for any purpose, except after public notice for sixty days, and in such manner as may be provided by law. No dividend shall be declared or distributed except out of net earnings after paying all operating expenses, including a depreciation reserve sufficient to keep the investment intact.

Sec. 6. The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking by the

Legislature of the property and franchises of incorporated companies already organized, or hereafter to be organized, and subjecting them to the public necessity the same as of individuals.

Sec. 7. The Legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in all charges of express, telegraph and railroad companies in this state and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

Sec. 8. No railroad corporation organized under the laws of any other state, or of the United States and doing business in this state shall be entitled to exercise the right of eminent domain or have power to acquire the right-of-way, or real estate for depot or other uses, until it shall have become a body corporate pursuant to and in accordance with the laws of this state.

#### ARTICLE XI—MUNICIPAL CORPORATIONS.

Sec. 1. No city, county, town, precinct, municipality, or other subdivision of the state, shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association.

Sec. 2. Any city having a population of more than five thousand (5,000) inhabitants may frame a charter for its own government, consistent with and subject to the constitution and laws of this state, by causing a convention of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be within four months after such election, to prepare and propose a charter for such city, which charter, when completed, with a prefatory synopsis, shall be signed by the officers and members of the convention, or a majority thereof, and delivered to the clerk of said city, who shall publish the same in full, with his official certification, in the official paper of said city, if there be one, and if there be no official paper, then in at least one newspaper published and in general circulation in said city, three times, and a week apart, and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified voters, voting thereon, shall ratify the same, it shall at the end of sixty days thereafter become the charter of said city, and supersede any existing charter and all amendments thereof. A duplicate certificate shall be made, setting forth the charter proposed and its ratification (together with the vote for and against) and duly certified by the city clerk, and authenticated by the corporate seal of said city and one copy thereof shall be filed with the Secretary of State and the other deposited among the archives of the city, and shall thereupon become and be the charter of said city, and all amendments of such charter, shall be

authenticated in the same manner, and filed with the secretary of state and deposited in the archives of the city.

Sec. 3. But if said charter be rejected, then within six months thereafter, the mayor and council or governing authorities of said city may call a special election at which fifteen members of a new charter convention shall be elected to be called and held as above in such city, and they shall proceed as above to frame a charter which shall in like manner and to the like end be published and submitted to a vote of said voters for their approval or rejection. If again rejected, the procedure herein designated may be repeated until a charter is finally approved by a majority of those voting thereon, and certified (together with the vote for and against) to the secretary of state as aforesaid, and a copy thereof deposited in the archives of the city, whereupon it shall become the charter of said city. Members of each of said charter conventions shall be elected at large; and they shall complete their labors within sixty days after their respective election. The charter shall make proper provision for continuing, amending or repealing the ordinances of the city.

Sec. 4. Such charter so ratified and adopted may be amended, or a charter convention called, by a proposal therefor made by the law-making body of such city or by the qualified electors in number not less than five per cent of the next preceding gubernatorial vote in such city, by petition filed with the council or governing authorities. The council or governing authorities shall submit the same to a vote of the qualified electors at the next general or special election not held within thirty days after such petition is filed. In submitting any such charter or charter amendments, any alternative article or section may be presented for the choice of the voters and may be voted on separately without prejudice to others. Whenever the question of a charter convention is carried by a majority of those voting thereon, a charter convention shall be called through a special election ordinance, and the same shall be constituted and held and the proposed charter submitted to a vote of the qualified electors, approved or rejected, as provided in Section 2 hereof. The city clerk of said city shall publish with his official certification, for three times, a week apart in the official paper of said city, if there be one, and if there be no official paper, then in at least one newspaper published and in general circulation in said city, the full text of any charter or charter amendment to be voted on at any general or special election.

No charter or charter amendment adopted under the provisions of this amendment shall be amended or repealed except by electoral vote. And no such charter or charter amendment shall diminish the tax rate for state purposes fixed by act of the Legislature, or interfere in any wise with the collection of state taxes.

Sec. 5. The charter of any city having a population of more than

one hundred thousand inhabitants may be adopted as the home rule charter of such city by a majority vote of the qualified electors of such city voting upon the question, and when so adopted may thereafter be changed or amended as provided in Section 4 of this article, subject to the constitution and laws of the state.

#### ARTICLE XII—MISCELLANEOUS CORPORATIONS.

Sec. 1. The Legislature shall provide by general law for the organization, regulation, supervision and general control of all corporations, and for the organization, supervision and general control of mutual and co-operative companies and associations, and by such legislation shall insure the mutuality and co-operative features and functions thereof. Foreign corporations transacting or seeking to transact business in this state shall be subject, under general law, to regulation, supervision and general control, and shall not be given greater rights or privileges than are given domestic corporations of a similar character. No corporations shall be created by special law, nor their charters be extended, changed or amended, except those corporations organized for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state. All general laws passed pursuant to this section may be altered from time to time, or repealed.

Sec. 2. No such general law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town, or incorporated village without first requiring the consent of a majority of the electors thereof.

Sec. 3. All corporations may sue and be sued in like cases as natural persons.

Sec. 4. In all cases of claims against corporations and joint stock associations, the exact amount justly due shall be first ascertained, and after the corporate property shall have been exhausted the original subscribers thereof shall be individually liable to the extent of their unpaid subscription, and the liability for the unpaid subscription shall follow the stock.

Sec. 5. The Legislature shall provide by law that in all elections for directors or managers of incorporated companies every stockholder shall have the right to vote in person or proxy for the number of shares owned by him, for as many persons as there are directors or managers to be elected or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares shall equal, or to distribute them upon the same principle among as many candidates as he shall think fit, and such directors or managers shall not be elected in any other manner; except that any mutual or co-operative company or association may, in its articles of incorporation, limit the number of shares of stock any stockholder may own, the



transfer of said stock, and the right of each stockholder or member to one vote only in the meetings of such company or association.

Sec. 6. No corporation shall be permitted to issue stock or bonds except for an equivalent in money paid or labor done, or property actually received and applied to the purpose for which such corporation was created, and neither labor nor property shall be received in payment of stock or bonds at a greater value than the actual value at the time said labor was done or property delivered, and all fictitious increase of stock or indebtedness shall be void; all stock shall have a face par value; and all stock in the same corporation shall be of equal par value.

Sec. 7. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors over and above the amount of stock by him held to an amount equal to his respective stock or shares so held, for all its liabilities accruing while he remains such stockholder, and all banking corporations shall publish quarterly statements under oath of their assets and liabilities.

#### ARTICLE XIII—STATE, COUNTY AND MUNICIPAL INDEBTEDNESS.

Sec. 1. The state may, to meet casual deficits, or failures in the revenues, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrepealable until such debt be paid.

Sec. 2. No city, county, town, precinct, municipality, or other subdivision of the state, shall ever make donations to any railroad, or other works of internal improvement, unless a proposition so to do shall have been first submitted to the qualified electors thereof, at an election by authority of law. Provided, that such donations of a county with the donations of such subdivisions in the aggregate shall not exceed ten per cent of the assessed valuation of such county. Provided further, that any city or county may, by a two-thirds vote, increase such indebtedness five per cent in addition to such ten per cent; and no bonds or evidences of indebtedness so issued shall be valid, unless the same shall have endorsed thereon a certificate signed by the secretary and auditor of state, showing that the same is issued pursuant to law.

Sec. 3. The credit of the state shall never be given or loaned in aid of any individual, association, or corporation.

#### ARTICLE XIV—MILITIA.

Sec. 1. The Legislature shall determine what persons shall constitute the militia of the state, and may provide for organizing and disciplining the same.

## ARTICLE XV—MISCELLANEOUS PROVISIONS.

Sec. 1. Executive and judicial officers and members of the Legislature, before they enter upon their official duties, shall take and subscribe the following oath, or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of.....according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)." Any such officer or member of the Legislature who shall refuse to take the oath herein prescribed, shall forfeit his office, and any person who shall be convicted of having sworn falsely to, or of violating his said oath shall forfeit his office, and thereafter be disqualified from holding any office of profit or trust in this state unless he shall have been restored to civil rights.

Sec. 2. Any person who is in default as collector and custodian of public money or property shall not be eligible to any office of trust or profit under the constitution or laws of this state; nor shall any person convicted of felony be eligible to office unless he shall have been restored to civil rights.

Sec. 3. Drunkenness shall be a cause of impeachment and removal from office.

Sec. 4. The necessity of water for domestic use and for irrigation purposes in the State of Nebraska is hereby declared to be a natural want.

Sec. 5. The use of the water of every natural stream within the State of Nebraska is hereby dedicated to the people of the state for beneficial purposes, subject to the provisions of the following section.

Sec. 6. The right to divert unappropriated waters of every natural stream for beneficial use shall never be denied except when such denial is demanded by the public interest. Priority of appropriation shall give the better right as between those using the water for the same purpose, but when the waters of any natural stream are not sufficient for the use of all those desiring to use the same, those using the water for domestic purposes shall have preference over those claiming it for any other purpose, and those using the water for agricultural purposes shall have the preference over those using the same for manufacturing purposes. Provided, no inferior right to the use of the waters of this state shall be acquired by a superior right without just compensation therefor to the inferior user.

Sec. 7. The use of the waters of the state for power purposes shall be deemed a public use and shall never be alienated, but may be leased or otherwise developed as by law prescribed.

Sec. 8. Laws may be enacted regulating the hours and conditions of employment of women and children, and securing to such employees a proper minimum wage.

Sec. 9. Laws may be enacted providing for the investigation, submission and determination of controversies between employers and employees in any business or vocation affected with a public interest, and for the prevention of unfair business practices and unconscionable gains in any business or vocation affecting the public welfare. An Industrial Commission may be created for the purpose of administering such laws, and appeals shall lie to the Supreme Court from the final orders and judgments of such commission.

Sec. 10. On and after May 1, 1917, the manufacture, the sale, the keeping for sale or barter, the sale or barter, under any pretext, of malt, spirituous, vinous or other intoxicating liquors, are forever prohibited in this state, except for medicinal, scientific, or mechanical, or sacramental purposes.

Sec. 11. The Legislature may provide that, at the general election immediately preceding the expiration of the term of a United States Senator from this state, the electors may by ballot express their preference for some person for the office of United States Senator. The votes cast for such candidates shall be canvassed and returned in the same manner as for state officers.

Sec. 12. The seat of government of the state shall not be removed or relocated without the assent of a majority of the electors of the state voting thereupon, at a general election or elections, under such rules and regulations as to the number of elections and manner of voting and places to be voted for, as may be prescribed by law. Provided the question of removal may be submitted at such other general elections as may be provided by law.

#### ARTICLE XVI—AMENDMENTS.

Sec. 1. Either branch of the Legislature may propose amendments to this constitution, and if the same be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and published once each week for four weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature. At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear. If a ma-

majority of the electors voting on any such amendment adopt the same, it shall become a part of this constitution, provided the votes cast in favor of such amendment shall not be less than thirty-five per cent of the total votes cast at such election. When two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately.

Sec. 2. When three-fifths of the members elected to each branch of the Legislature deem it necessary to call a convention to revise, amend, or change this constitution, they shall recommend to the electors to vote at the next election of members of the Legislature, for or against a convention, and if a majority voting at said election vote for a convention, the Legislature shall, at its next session, provide by law for calling the same. The convention shall consist of as many members as the House of Representatives, who shall be chosen in the same manner, and shall meet within three months after their election, for the purpose aforesaid. No amendment or change of this constitution, agreed upon by such convention, shall take effect until the same has been submitted to the electors of the state, and adopted by a majority of those voting for and against the same.

#### ARTICLE XVII—SCHEDULE.

Sec. 1. The several amendments passed and submitted by this Convention when adopted at the election shall take effect on the first day of January, 1921, except as otherwise specifically provided by schedule attached to any of said amendments. Provided that the proposed Amendment Number 18, relative to equal suffrage shall take effect, if adopted, immediately upon proclamation by the Governor. All laws then in force, not inconsistent with the constitution as amended by such proposals as may be adopted at such election, shall continue in force until amended or repealed. If any of the amendments passed and submitted by this Convention and adopted by the electors be inconsistent with any provisions of the present constitution, such amendments shall be held to prevail.

Sec. 2. That Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 21, 22, 23, 24, and 27 of Article XVI be repealed and eliminated therefrom.

Sec. 3. Until otherwise provided by law the following salaries shall be paid:

Chief Justice, Judges of the Supreme Court and Governor, each \$7,500 per annum; Judges of the District Court, Secretary of State, Auditor of Public Accounts, Commissioner of Public Lands and Buildings, Treasurer, Attorney General, Superintendent of Public Instruction and members of the State Railway Commission, each \$5,000 per annum. The Lieutenant Governor shall receive twice the compensation of a State Senator.

Sec. 4. The general election of this state shall be held on the Tuesday succeeding the first Monday of November in the year 1914 and every two years thereafter. All state, district, county, precinct and township officers, by the constitution or laws made elective by the people, except school district officers, and municipal officers in cities, villages and towns, shall be elected at a general election to be held as aforesaid. Judges of the supreme, district and county courts, all elective county and precinct officers, and all other elective officers, the time for the election of whom is not herein otherwise provided for, and which are not included in the above exception, shall be elected on the Tuesday succeeding the first Monday in November, 1913, and thereafter at the general election next preceding the time of the termination of their respective term of office. Provided, that no office shall be vacated thereby, but the incumbent thereof shall hold over until his successor is duly elected and qualified.

Sec. 5. The terms of office of all state and county officers, of judges of the supreme, district and county courts, and regents of the University, shall begin on the first Thursday after the first Tuesday in January next succeeding their election, the present state and county officers, members of the Legislature, and regents of the University shall continue in office until their successors shall be elected and qualified.

Sec. 6. The Legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

Sec. 7. The auditor shall draw the warrants of the state quarterly for the payment of the salaries of all officers under this constitution, whose compensation is not otherwise provided for, which shall be paid out of any funds not otherwise appropriated.

Sec. 8. Until otherwise provided by law, the judges of district courts shall fix the time of holding courts in their respective districts.

Sec. 9. This constitution shall be enrolled and deposited in the office of the Secretary of State, and printed copies thereof shall be prefixed to the books containing the laws of the state, and all future editions thereof.

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The Constitution of 1875 was authenticated and attested as follows:

“John Lee Webster, President; O. A. Abbott, Luke Agur, J. P. Becker, J. E. Boyd, Clinton Briggs, Jefferson H. Broady, Charles H. Brown, S. F. Burtch, S. H. Calhoun, E. C. Carns, T. S. Clark, S. H. Coats, A. H. Conner, W. B. Cummins, James Harper, Robert B. Harrington, J. B. Hawley, M. L. Hayward, D. P. Henry, B. I. Hinman, M. R. Hopewell, C. E. Hunter, A. G. Kendall, S. M. Kirkpatrick, James Laird, Charles F. Manderson, A. W. Matthews, Frank Martin, Samuel Maxwell, John Mc-

Pherson, W. H. Munger, J. H. Perry, C. W. Pierce, S. B. Pound, James W. Dawes, J. E. Doom, W. L. Dunlap, R. C. Eldridge, J. G. Ewan, S. R. Foss, C. H. Frady, Joseph Garber, C. H. Gere, Henry Grebe, Edwin N. Grenell, George L. Griffing, William A. Gwyer, Andrew Hallner, J. D. Hamilton, Isaac Powers, Jr., M. B. Reese, W. M. Robertson, Josiah Rogers, J. H. Sauls, H. H. Shedd, Geo. S. Smith, W. H. Sterns, R. F. Stevenson, John J. Thompson, L. B. Thorne, Jacob Vallery, Sr., C. H. Van Wyck, Charles T. Walther, A. M. Walling, T. L. Warrington, A. J. Weaver, M. W. Wilcox, J. P. Zediker."

The foregoing is the Constitution of the State of Nebraska of 1875 and the several amendments thereto, including the amendments proposed by the Constitutional Convention of 1919-1920 and adopted at the special election held on the 21st day of September, 1920, and the same is a true and correct compilation thereof.

Done in Convention at the Capitol, in the City of Lincoln, this 19th day of October, 1920.

Witness our hands the day and year last above written.

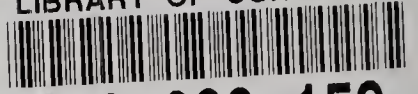
A. J. WEAVER, President  
 I. L. ALBERT  
 LEWIS K. ALDER  
 WALTER L. ANDERSON  
 GEO. S. AUSTIN  
 JOSEPH G. BEELER  
 ANSON H. BIGELOW  
 A. T. BRATTON  
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 FESTUS COROTHERS  
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 J. A. DONOHOE  
 CHAS. H. EPPERSON  
 I. D. EVANS  
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 JERRY HOWARD  
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 HARRY JOHNSON  
 GEO. C. JUNKIN  
 HARRY L. KEEFE  
 H. G. KEENEY  
 WILLIAM G. KIECK  
 THOS. LAHNERS  
 GEORGE LANDGREN  
 HARRY LEHMAN  
 J. G. W. LEWIS  
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 R. S. NORVAL  
 FRED A. NYE  
 C. PETRUS PETERSON  
 WM. H. PITZER

ERNEST M. POLLARD  
C. W. PUGSLEY  
F. C. RADKE  
I. C. RANKIN  
J. D. REAM  
HERBERT RHOADES  
ELMER E. ROSS  
CHARLES L. SAUNDERS  
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C. W. SEARS  
WILLIAM A. SELLECK  
SEYMOUR S. SIDNER  
O. S. SPILLMAN  
E. J. SPIRK  
A. W. SPRICK  
W. M. STEBBINS

JOHN M. STEWART  
EMIL G. STOLLEY  
DAVID E. STRONG  
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MURT M. SULLIVAN  
C. V. SVOBODA  
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CHAS. J. THIELEN  
M. D. TYLER  
A. L. ULLSTROM  
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